IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1518 of 1986

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

THE ANUP ENGINEERING LTD., A COMPANY REGISTERED UNDER THE
Versus
THEW STATE OF GUJARAT NOTICE SERVED TO SECRETARY,INDUSTRIES

Appearance:
None present for Petitioner
None present for Respondents

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE K.A.PUJ

Date of decision: 03/12/2001

ORAL JUDGEMENT

(Per : CHIEF JUSTICE MR DM DHARMADHIKARI)

#. In this petition, Rule was issued on 11.6.93 and it

was kept for final hearing along with Special Civil Application No.4074 of 1984 and allied matters. We have called for the record of Special Civil Application No.4074 of 1984 and we find therefrom that the said petition has been dismissed by the Division Bench as long back as 8th February, 1994, upholding the constitutional validity of the provisions of Section 99(1)(i) of the Gujarat Municipalities Act, 1963, on the ground that there is always presumption in favour of constitutional validity of a statutory provision. On the same ground, it was also held that the G.I.D.C. Odhav Notified Area Consolidated Tax Rules, 1980, cannot be said to be unconstitutional.

#. Since the present petition was a cognate matter and almost identical reliefs have been prayed in this matter, this petition also deserves to be dismissed in terms of the order dated 8.2.94 in Special Civil Application No.4074 of 1984. It may also be mentioned that other two cognate matters, namely, Special Civil Application Nos.6376 of 1984 and 797 of 1984 have also been finally disposed of and the record of the same is before us. Special Civil Application No.797 of 1984 was dismissed as withdrawn by directing the petitioner to make representation before the Government regarding implementing the Scheme in question whereas Special Civil Application No.797 of 1984 was rejected summarily. So in the aforesaid manner, all three cognate matters stood disposed of long back and only this matter remained undisposed as it was segregated. As mentioned above, for the reasons mentioned in the order dated 8.2.94 in Special Civil Application No.4074 of 1984, we reject this petition. Rule is discharged. No order as to costs.

(D.M.Dharmadhikari, C.J.)

(K.A.Puj, J.)
(sunil)